

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	CASE No. 1:20-MJ- <u>159</u>
)	
MARK GREGORY SPENCE,)	
Defendant.)	

AFFIDAVIT IN SUPPORT OF A SUMMONS

I. INTRODUCTION

I, Conservation Officer Euel J. Tritt, of the United States, Natural Resources Environmental Affairs Branch, Marine Corp Base Quantico, Virginia, having been duly sworn, state the following:

I am a Conservation Investigator, I am currently assigned to Natural Resources Environmental Affairs Branch Marine Corps Base Quantico, Virginia. My duties and responsibilities include the investigation of violations of U.S. federal wildlife and environmental laws, specifically, but not limited to, violations that occur on Marine Corp Base Quantico, Virginia. By virtue of my employment, I perform a variety of investigative tasks, including functioning as a case agent on investigations regarding trespassing on federal lands, endangerment of protected species, illegal dumping and archeological excavations. I have received training in the conduct of criminal investigations, interviewing and interrogation techniques, the execution of federal search warrants and seizures, and the identification and collection of probative evidence.

This affidavit is submitted in support of a summons to compel the appearance of MARK GREGORY SPENCE, to answer the following charges wherein the defendant knowingly violated federal law. On or about March 23, 2020, the defendant was found by law enforcement on Marine Corps Base Quantico digging for archeological resources¹ without having received proper authorization to enter the federal property and remove archeological resources. The defendant's actions violate 18 U.S.C. § 1382 and 16 U.S.C. § 470ee(a).

I personally investigated the violations described below. I learned the facts set forth below from my own investigation and interviews, and from other government employees and witnesses cited herein. This affidavit includes only the information necessary to support probable cause for a summons to be issued in this case. It does not include each and every fact known to me or the government.

II. THE NATURE OF THE OFFENSE

A. At approximately 5:45pm on March 23, 2020 I received a call from Sergeant Richard Goszka of the Virginia Conservation Police. He stated that he observed a vehicle in the area adjacent to training area 17C on Marine Corps Base Quantico on Route 611. He stated that the individual was seen matching the description of an individual who had been photographed trespassing in the area on one of our surveillance cameras. I arrived at the scene at approximately 6:26pm and met with Sgt Goska. At approximately 7:00pm a K-9 unit arrived. The K-9 officer, dog and began to track the suspect.

B. The dog headed west into the training area where I had discovered dig marks and

¹ Archeological resource means any material remains of past human life or activities which are of archeological interest of at least 100 years of age (16 U.S.C. 470bb(1))

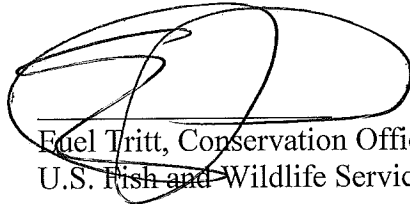
evidence of relic hunting several days before and had installed trail cameras. At approximately 100 yards west past the trail cameras, the dog alerted and we observed an individual digging in the ground with a shovel. The state officer announced our presence and identified us as Conservation Officers.

C. We identified the suspect as the individual known as SPENCE. We also identified him as the same suspect that we had captured photographs of entering the area on many occasions during the month of March. I searched the suspect for weapons, introduced myself and gave him his Miranda rights. I asked him if he understood his rights and he stated that he did. He indicated that he had been relic hunting in the area. I asked him if he was willing to show us the items that he had been digging from this site. He said that were at one of his homes in the local area.

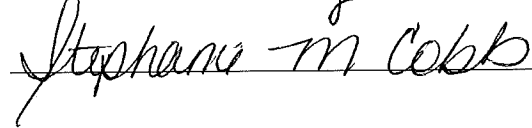
D. SPENCE traveled with law enforcement to his home and produced several objects consisting of spent ammunition, buttons, and various metallic implements that he stated were taken from digs on Marine Corps Base Quantico. The objects were collected by law enforcement given to the base archeologist for Marine Corps Base Quantico for identification.

III. CONCLUSION

Based on the foregoing, I believe there is sufficient evidence to support issuance of a summons to compel the appearance of MARK GREGORY SPENCER to answer to the charges that on or about March 23, 2020, he did trespass onto a military installation and attempt to remove archeological resources without authorization, in violation of 18 U.S. Code § 1382 and 16 U.S. Code § 470ee(a).


Euel Tritt, Conservation Officer
U.S. Fish and Wildlife Service

Sworn and subscribed before me
this 22 day of May, 2020


Stephanie M Cobb

